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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,669	08/26/2003	Stephen Nicholas Weiss	8702-100U1 (376(1))	3917
570	7590	02/07/2005	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013			TRAN, PABLO N	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,669

Applicant(s)

WEISS ET AL.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/02/04, 08/27/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by *Paradiso et al.* (A compact, Self-Powered Pushbutton Controller. September 2001, pages 299-304, labeled A1-A6).

As per claim 1, *Paradiso et al.* disclosed an identification transmission system (figure 1) comprising an antenna/transmitter circuit (figure 1/item RF transmitter. Hence it is clear that the RF transmitter module included an antenna (although not shown) in order to broadcast the identification code) configured to broadcast a predetermined tone on a predetermined carrier frequency through the antenna, and a piezo-electric power source (figure 1/item Piezo Element) electrically coupled to the transmitter circuit and configured to at least briefly provide power to the transmitter circuit, wherein the piezo-electric power source having a piezo-electric element, a striker (page A2/last paragraph-page A3/first paragraph) configured to move so as to at least briefly strike the piezo-electric element, a storage capacitor (page A2/last paragraph-page A3/first paragraph) configured to receive and store electrical charge from the piezo-electric

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element, and voltage controlled switch (page A2/last paragraph-page A3/first paragraph) configured to allow the storage capacitor to discharge through the transmitter circuit thereby providing power thereto after a predetermined amount of charge has been stored.

As per claim 2, *Paradiso et al.* disclosed the claimed limitation (figure 1-3, page A2-A6).

As per claim 3, *Paradiso et al.* disclosed the claimed limitation (figure 1-3, page A2-A6).

As per claim 4, *Paradiso et al.* disclosed the claimed limitation (figure 1-3, page A2-A6).

As per claim 5, *Paradiso et al.* disclosed the claimed limitation (figure 1-3, page A2-A6).

As per claim 6, *Paradiso et al.* disclosed the claimed limitation (figure 1/item HT12E, page A2-A6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Paradiso et al.* (A compact, Self-Powered Pushbutton Controller. September 2001, pages 299-304, labeled A1-A6) and in view of *Todd et al.* (5,065,067)

As per claim 7, *Paradiso et al.* disclose such piezo-electric striker interfaces but does not explicitly suggest such toy device having a striker that is coupled to a wheel and is actuated by the rotation of the wheel. However, such is well known in the art as disclosed by *Todd et al.* (figure 4-5, col. 4/ln. 8-19). Therefore, it would have been obvious to one of ordinary skill in the art to provide such piezo-electric striker interfaces, as suggested by *Todd et al.*, to the Self-Powered apparatus of *Paradiso et al.* in order to provide a toy such that the device can be easily self-power when pushed.

As per claim 8, the combination of *Paradiso et al.* and *Todd et al.* disclosed the claim limitation (see *Todd et al.*, figure 4-5, col. 4/ln. 8-19).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frederick et al. (2004/0130331), Andre et al. (2002/0190610), Parise (6,792,259), Turcott (6,491,639), Buchla (6,150,600), Janning et al. (6,166,643), Najarian (6,151,278), Dirito (6,708,441), Oakes (6,604,946), McVay et al. (6,533,502), Boyd et al. (6,630,894), Face et al. (6,812,594), Wolinsky et al. (6,764,446), Huang (5,889,464), Dassler et al. (4,736,312), and Knauff (4,465,949) disclose piezo electric device.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


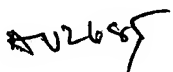
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN
PRIMARY EXAMINER**

February 5, 2005